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Paper No. 8

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OCT 3 1 2002

OFFICE OF PETITIONS

In re Application of
Waller, *et al.*
Application No. 09/992,239
Filed: November 6, 2001
Attorney Docket No. 9488.00

DECISION GRANTING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the October 8, 2002 renewed petition under 37 C.F.R. §1.47(a).

This application was filed on November 6, 2001. However, the application lacked a declaration signed by the inventor as required by 35 U.S.C. §25, 35 U.S.C. §115, 37 C.F.R. §1.63, and 37 C.F.R. §1.68. Accordingly, the Office of Initial Patent Examination (hereinafter "OIPE") mailed a notice to file missing parts of nonprovisional application (hereinafter "notice") to the address of record on December 6, 2001. The notice requested a signed declaration and set a two month period for replying.

Applicants responded with a petition under 37 C.F.R. §1.47(a), which the office received on April 12, 2002. The petition included a request for a two month extension of time, which with the certificate of mailing dated April 4, 2002, was timely.

In a decision dated August 9, 2002, the office dismissed that petition for failure to show that the nonsigning inventor had been given a bona fide opportunity to review the application and sign the required declaration. The decision set a two month deadline for replying.

Petitioner timely replied with the October 8, 2002 filing of this renewed petition.

The above-identified application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

This application will be forwarded to the OIPE for further processing under rule 1.47(a).

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-5593

Scott M. Ledford
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of
Waller, *et al.*
Application No. 09/992,239
Filed: November 6, 2001

Dear Mr. Ward:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 C.F.R. §1.47(a) (Rules of Practice in Patent Cases). Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel or record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703-306-5593. Requests for information regarding your application should be directed to the File Information Unit at 703-308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification division at 703-308-9726 or 1-800-972-6382 (outside the Washington, D.C. area).

Scott M. Ledford
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cc: MICHAEL CHAN
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